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February 18, 2019

By ECF

The Honorable Ann M. Donnelly
United States District Judge
United States District Court for the Eastern District of New York
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Brooklyn, NY 11201

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Re: *United States v. Dan Zhong*
Criminal Docket No. 16-614 (AMD)

Dear Judge Donnelly:

I write to update the Court with respect to the depositions of five prospective defense witnesses authorized by Your Honor's January 30, 2019 Order to take place in the United Kingdom or another jurisdiction amenable to both parties (the "Order"). (Dkt. No. 197). Following the issuance of the Order, defense counsel have been in contact with the witnesses, directly and through counsel, and have determined that three of them – Yuliang Wang, Yunpeng Xia and Dehuai Tang – are willing to travel to the UK for the depositions.

We learned late yesterday evening (New York time), however, that the UK has denied the applications of all three witnesses for visas. Given the sudden unavailability of the UK as a venue, we have been communicating with the government in an effort to settle on a mutually acceptable alternative.

We have proposed the following options to the government:

1. That the depositions take place, in person, in any of the following countries, which permit the taking of depositions for use in US judicial proceedings and which do not require Chinese nationals to have visas to enter:

Bahamas
Jamaica
Antigua and Barbuda
Grenada
St. Lucia
Saint Kitts and Nevis.

2. Alternatively, that the depositions take place with the witnesses located in Hong Kong and with counsel for both parties participating by video conference from the same location in the US, due to the government's inability to travel to that jurisdiction for the purpose of taking depositions.



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Due to the holiday, the government has not yet been able to confirm its position with respect to these options, which it is in the process of considering. In the meantime, we wanted to inform the Court as to the status of the matter. We will provide an update as soon as we have additional information to report.

Respectfully submitted,

/s/ Robert J. Cleary
Robert J. Cleary

cc: AUSA Alexander A. Solomon (by ECF)
AUSA Ian C. Richardson (by ECF)
AUSA Craig R. Heeren (by ECF)